United Nations A/C.3/53/L.22

General Assembly

Distr.: Limited
30 October 1998

Original: English

Fifty-third session
Third Committee
Agenda item 110 (a)
Human rights questions: implementation of human rights instruments

Argentina, Australia, Austria, Bulgaria, Canada, Chile, Denmark, Finland, France, Germany, Georgia, Guatemala, Hungary, Iceland, Ireland, Japan, Liechtenstein, Lithuania, Luxembourg, the Netherlands, New Zealand, Norway, Romania, San Marino, Slovakia, South Africa, the United Kingdom of Great Britain and Northern Ireland: draft resolution

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 52/118 of 12 December 1997, as well as other relevant resolutions, and taking note of Commission on Human Rights resolution 1998/27 of 17 April 1998,

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[1]

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights,[2] to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the human rights treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

[1] A/CONF.157/24 (Part I), chap. III.
[2] Resolution 217 A (III).

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Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Recalling that the effectiveness of the human rights treaty bodies in encouraging the realization by States parties of their obligations under United Nations human rights instruments requires constructive dialogue, which should be based on the reporting process supplemented by information from all relevant sources and aimed at assisting States parties in identifying solutions to human rights problems,

Recalling also the initiatives taken by a number of human rights treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or recurrence, of serious human rights violations,

Reaffirming its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(a) Promoting the effective functioning of the periodic reporting by States parties to those instruments;

(b) Securing sufficient financial, human and information resources to overcome the under-resourcing of the Office of the United Nations High Commissioner for Human Rights, which impedes the ability of the human rights treaty bodies to carry out their mandates effectively;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Concerned that lack of adequate resources should not impede the effective functioning of the human rights treaty bodies, including in regard to their ability to work in the applicable working languages,

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[3]

1. *Welcomes* the submission of the reports of the persons chairing the human rights treaty bodies on their ninth[3] and tenth[4] meetings, held at Geneva from 25 to 27 February 1998 and 14 to 18 September 1998, respectively, and takes note of their conclusions and recommendations;

2. *Encourages* each treaty body to give careful consideration to the relevant conclusions and recommendations contained in the report of the persons chairing the human rights treaty bodies;

3. *Welcomes* the submission to the Commission on Human Rights of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty monitoring system,[5] and the report containing the comments and observations of Governments, United Nations bodies and the specialized agencies, non-governmental organizations and interested persons on the report of the independent expert

[3] A/53/125.

[4] A/53/432.

[5] E/CN.4/1997/74, annex.

and the Secretary-General's own views on the legal, administrative and other implications of the report's recommendations,[6] taking into account further developments;

4. *Invites* the Secretary-General to continue to solicit views of Governments, United Nations bodies and the specialized agencies, non-governmental organizations and interested persons on the final report and to submit a further report thereon, including the Secretary-General's own views on the legal, administrative and other implications of the report's recommendations, taking into account further developments;

5. *Encourages* ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

6. *Emphasizes* the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each human rights treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(c) Also calls upon the Secretary-General to seek, in the next biennium, the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

7. *Takes note with appreciation* of the revised plan of action to strengthen the implementation of the Convention on the Rights of the Child[7] and the plan of action to strengthen implementation of the International Covenant on Economic, Social and Cultural Rights,[8] recalls the importance of administering those plans in accordance with established United Nations procedures, and requests the Secretary-General to include in his report prepared pursuant to the present resolution information on the implementation of those plans of action;

8. *Notes with interest* the work being done by the United Nations High Commissioner for Human Rights on a plan of action to enhance the resources available to all human rights treaty bodies;

9. *Reaffirms* the need for human rights treaty bodies to better complement each other in their work, and emphasizes that the universal ratification of international human rights treaties containing reporting obligations adopted within the framework of the United Nations system is important for the realization of that complementarity;

10. *Welcomes* the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties;

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[6] E/CN.4/1998/85.

[7] Resolution 44/25, annex.

[8] See resolution 2200 A (XXI), annex.

11. *Takes note with appreciation*, in this regard, of the efforts of the persons chairing the human rights treaty bodies, at their ninth and tenth meetings, to develop appropriate reforms of the reporting system, with a view to, *inter alia*, reducing the reporting burden on States parties while maintaining the quality of reporting, and encourages them to continue these efforts, including through the continued examination of the benefits of reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports and the methods of work of the treaty bodies;

12. *Calls upon* the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,[8] the International Covenant on Civil and Political Rights,[8] the International Convention on the Elimination of All Forms of Racial Discrimination,[9] the Convention on the Elimination of All Forms of Discrimination against Women,[10] the Convention on the Rights of the Child[6] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[11] which is being prepared with a view to identifying duplication of reporting required under those instruments;

13. *Urges* States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

14. *Welcomes* the publication of the revised *Manual on Human Rights Reporting*;

15. *Underlines* the importance of providing technical assistance to a State in the process of ratifying human rights instruments and for the preparation of its initial reports;

16. *Requests* the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture;

17. *Reiterates its concern* about the increasing backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

18. *Also reiterates its concern* about the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

19. *Invites* States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

20. *Urges* all States parties whose reports have been examined by human rights treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

21. *Encourages* the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

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[9] Resolution 2106 A (XX), annex.

[10] Resolution 34/180, annex.

[11] Resolution 39/46, annex.

22. *Recalls* the recommendation by the meeting of persons chairing the human rights treaty bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty bodies;

23. *Welcomes* the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

24. *Notes* that efforts continue to be made at coordination and cooperation between the human rights treaty bodies and the special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, all acting within their respective mandates;

25. *Recognizes* the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

26. *Recalls*, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution of membership and to the representation of the principal legal systems and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights;

27. *Takes note* of the discussion of the payment of honoraria to the members of the human rights treaty bodies included in the report on the effective implementation of international instruments on human rights and of other work being done by the Secretary-General on this subject;

28. *Encourages* the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and the specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

29. *Welcomes* the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and endorses the recommendation made at their tenth meeting that the treaty bodies take full account of the recommendations contained in the report prepared by the Division for the Advancement of Women of the Secretariat;

30. *Also welcomes* all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within her mandate, to coordinate and consult throughout the United Nations system in this regard;

31. *Requests* the Secretary-General to report to the General Assembly at its fifty-fifth session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

32. *Decides* to continue giving priority consideration, at its fifty-fifth session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".